

ORIGINAL

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10 Attorneys for Plaintiff United States of America

FILED

DISTRICT COURT OF GUAM

MAR 13 2007 Nbo

MARY L.M. MORAN
CLERK OF COURT

7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE TERRITORY OF GUAM

10 AMERICOPTERS, L.L.C.,) CIVIL NO. 03-00005
11 Plaintiff,)
12 vs.) ANSWER OF THE
13 FEDERAL AVIATION ADMINISTRATION,) UNITED STATES
14 Defendant.)
15

16 The United States of America, for the Federal Aviation Administration (FAA), hereby
17 answers the Complaint in the above-entitled case as follows:

18
19 1. DENIES. The District Court lacks jurisdiction under 28 U.S.C. §1346(a)(2) because
20 this is a takings case where the plaintiffs seek more than \$10,000.

21
22 2. This is an assertion requiring no answer, to the extent one is required, DENIES.

23
24 3. ADMITS that FAA is a U.S. agency within the Department of Transportation,
25 DENIES all other allegations.

26
27 4. DENIES.

1 5. ADMITS.

2

3 6. Lacks sufficient information to admit or deny, therefore DENIES.

4

5 7. DENIES based on portion of allegation that states "as a result".

6

7 8. DENIES based on portion of allegation that states "as a result".

8

9 9. DENIES based on portion of allegation that states "pattern of 'no response'" being

10 conclusory and argumentative.

11

12 10. ADMITS that letter was written, DENIES all other allegations.

13

14 11. ADMITS to letter, DENIES all other allegations.

15

16 12. DENIES.

17

18 13. ADMITS that a letter was written to FAA. Lacks sufficient information to respond

19 to remainder of allegation, therefore DENIES.

20

21 14. DENIES.

22

23 15. ADMITS that at the time the alleged actions took place, Kanane was an FAA

24 employee, DENIES all other allegations.

25

26 16. DENIES.

27

28 17. DENIES

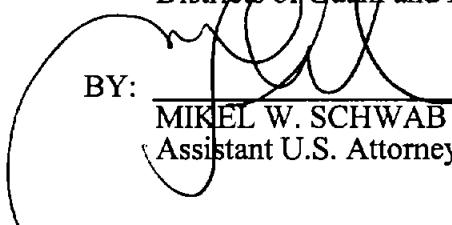
1 18. DENIES.
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4
5 **AFFIRMATIVE DEFENSES**
6

7
8
9 1. Jurisdiction for this claim is in the U.S. Court of Claims.
10
11 2. Plaintiff's Complaint fails to state a cause of action upon which relief can be granted.
12
13

14 WHEREFORE, the United States of America prays as follows:
15
16 1. That the plaintiff's Complaint and action be dismissed with prejudice and that both
17 parties bear their own costs.
18
19 2. That the case be transferred to the U.S. Court of Claims.
20
21 Dated this 13th day of March, 2007.
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24

25 LEONARDO M. RAPADAS
26 United States Attorney
27 Districts of Guam and NMI
28

29 BY: 
30 MIKEL W. SCHWAB
31 Assistant U.S. Attorney
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CERTIFICATION

I, Marie Chenery, working in the United States Attorney's Office, hereby certify that I caused to be served via personal delivery a copy of the **Answer and Amended Motion to Dismiss for Failure to State a Claim or, in the Alternative, to Transfer to:**

Carlsmith Ball LLP
Bank of Hawaii Bldg. Ste. 401
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